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30 **UNITED STATES DISTRICT COURT**
31 **NORTHERN DISTRICT OF CALIFORNIA**
32 **SAN FRANCISCO DIVISION**

33 Waymo LLC,

34 Case No. 3:17-cv-00939-WHA

35 Plaintiff,

36 **[PROPOSED] ORDER GRANTING**
37 **MOTION IN LIMINE NO. 26 TO**
38 **EXCLUDE REFERENCE TO**
39 **DOWNLOADING OF 14,000 FILES**

40 v.

41 Uber Technologies, Inc.; Ottomotto LLC; Otto
42 Trucking LLC,

43 Defendants.

44 Courtroom: 8 - 19th Floor
45 Judge: Hon. William Alsup
46 Hearing Date: September 20, 2017
47 Hearing Time: 8:00 a.m.
48 Trial: October 10, 2017

49 Filed/Lodged Concurrently with:

50 1. Notice of Motion in Limine to Exclude
51 2. Declaration

Defendant Otto Trucking LLC (“Otto Trucking”) has filed a Motion in Limine No. 26 to Exclude Reference to Download 14,000 Files (the “Motion # 26”).

Having considered the Motion and supporting documents, as well as any response thereto, the Court hereby GRANTS Motion #26. Waymo is precluded from referencing or introducing evidence of the downloading of 14,000 files by Mr. Levandowski.

IT IS SO ORDERED.

Dated: _____, 2017

HON. WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of
3 18 and not a party to the within action. My business address is: 601 S Figueroa Street, 41st
Floor, Los Angeles, California 90017.

4 On **September 7, 2017**, I served the following documents by placing a true copy thereof
5 in a sealed envelope(s) on the persons below as follows:

6 **[PROPOSED] ORDER GRANTING MOTION IN LIMINE NO. 26 TO EXCLUDE
REFERENCE TO DOWNLOADING OF 14,000 FILES**

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20
21 (MAIL). I placed the envelope for collection and mailing, following our ordinary
22 business practices. I am readily familiar with this firm's practice for collecting and
23 processing correspondence for mailing. On the same day that correspondence is
24 placed for collection and mailing, it is deposited in the ordinary course of business
with the United States Postal Service, in a sealed envelope with postage fully prepaid.
I am a resident or employed in the county where the mailing occurred. The envelope
or package was placed in the mail at Los Angeles, California.

25 (OVERNIGHT DELIVERY). I deposited in a box or other facility regularly
26 maintained by FedEx, an express service carrier, or delivered to a courier or driver
27 authorized by said express service carrier to receive documents, a true copy of the
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provided for.

1 (E-MAIL or ELECTRONIC TRANSMISSION). Based on a court order or *an*
2 *agreement of the parties to accept service by e-mail or electronic transmission*, I
3 caused the documents to be sent to the persons at the e-mail addresses listed. I did not
 receive, within a reasonable time after the transmission, any electronic message or
 other indication that the transmission was unsuccessful.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on **September 7, 2017**, at Los Angeles, California.

Hong-An Vu
(Type or print name)

/s/ Hong-An Vu
(Signature)